

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 818 of 1993

with

CIVIL APPLICATION NO.3210 OF 1995

For Approval and Signature:

Hon'ble MR.JUSTICE M.R.CALLA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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D N RAJPOPAT

Versus

L I C OF INDIA

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Appearance:

MR HD RANA for Petitioner

Ms. Shilpa Shah for

MR MUKUND M DESAI for Respondent No. 1, 2

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CORAM : MR.JUSTICE M.R.CALLA

Date of decision: 03/02/97

ORAL JUDGMENT :

The petitioner has been working as an Assistant in the Life Insurance Corporation of India. This Special Civil Application was filed by the petitioner in the year 1993 to forestall a departmental inquiry, which was being

held against him by the L.I.C. The ground on which the petition was filed was that for the same purpose and same incident, the petitioner was being criminally prosecuted and, therefore, the Corporation may not go ahead with the departmental inquiry against the petitioner so long as the criminal case is pending, lest it would prejudice his defence. This Court had stayed the inquiry proceedings and the stay remained operative throughout.

It has been now pointed out that the criminal case is over as the parties have reached a compromise and the complaint has been withdrawn. The dispute had taken place in the office of the Corporation itself. In any case, once the criminal case is over, this petition has served its purpose because the stay against the departmental inquiry has remained operative throughout the pendency of the criminal case. There is no justification now to keep the inquiry stayed or not to allow the Corporation to go ahead with the inquiry when the prosecution is already over. In this view of the matter, this Special Civil Application has virtually become infructuous. It will now be open for the LIC to go ahead with the inquiry, if they so choose.

This Special Civil Application is accordingly dismissed as having become infructuous and the Rule is hereby discharged. Interim relief vacated. No order as to costs.

Since the main matter itself has been decided, nothing survives in the Civil Application and the Civil Application is accordingly disposed of.